

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

----- x
MARIE ANNE THOMAS, et al.,

Plaintiffs,

-against-

**DECLARATION OF
MAXWELL D. LEIGHTON**

NEW YORK CITY DEPARTMENT OF EDUCATION, et
al.,

09 CV 5167 (SLT)(RLM)

Defendants.
----- x

MAXWELL D. LEIGHTON declares, pursuant to 28 U.S.C. § 1746 and subject to the penalties of perjury, that the following is true and correct:

1. I am an Assistant Corporation Counsel in the office of Michael A. Cardozo, Corporation Counsel of the City of New York, attorney for the defendants in this action.

2. I submit this declaration to place the following documents before the Court and in support of defendants' motion to dismiss the complaint.

3. A copy of the complaint filed in this action, dated November 23, 2009, is annexed hereto as Exhibit "A."

4. A copy of the letter agreement between Joel I. Klein, Chancellor of the New York City Department of Education ("DOE"), and Michael Mulgrew, President of the United Federation of Teachers, dated April 15, 2010, is annexed hereto as Exhibit "B."¹


¹ DOE has made this agreement publically available through its website at [http://schools.nyc.gov/NR/rdonlyres/DE11FD24-AF3C-4323-AC6E-DFAC53D43 B05/0/RubberRoomAgreement.pdf](http://schools.nyc.gov/NR/rdonlyres/DE11FD24-AF3C-4323-AC6E-DFAC53D43B05/0/RubberRoomAgreement.pdf).

5. A copy of the Memorandum and Order of the Honorable Deborah A. Batts, filed March 22, 2010, in Pakter v. New York City Dep't of Educ., et al. 08 CV 7673 (DAB)(KNF), in the United States District Court for the Southern District of New York, is annexed hereto as Exhibit "C."

6. A copy of the Decision and Order of the Honorable Saliann Scarpulla, filed January 7, 2010, in Cruz v. New York City Dep't of Educ., Index No. 117004/08, in New York State Supreme Court, New York County, is annexed hereto as Exhibit "D."

7. A copy of the Decision and Order of the Honorable Victor Marrero, filed April 6, 2010, in Adams v. New York State Educ. Dep't, No. 08-5996, 2010 U.S. Dist. LEXIS 33794 (S.D.N.Y. April 6, 2010), in the United States District Court for the Southern District of New York, is annexed hereto as Exhibit "E."

Dated: New York, New York
April 30, 2010


MAXWELL D. LEIGHTON

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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MARIE ANNE THOMAS, et al.,

Plaintiffs,

-against-

NEW YORK CITY DEPARTMENT OF EDUCATION, et
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**DECLARATION OF
MAXWELL D. LEIGHTON**

09 CV 5167 (SLT)(RLM)

MAXWELL D. LEIGHTON declares, pursuant to 28 U.S.C. § 1746 and subject to the penalties of perjury, that the following is true and correct:

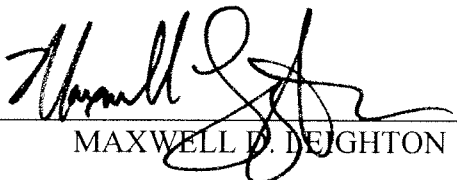
1. I am an Assistant Corporation Counsel in the office of Michael A. Cardozo, Corporation Counsel of the City of New York, attorney for the defendants in this action.

2. On April 30, 2010, I served the foregoing Declaration of Maxwell Leighton, upon the attorney for plaintiffs by depositing a copy of the same, enclosed in a first class post paid properly addressed wrapper in a USPS post office/official depository in the Borough of Manhattan, City of New York, directed to:

Joy Hochstadt, Esq.
300 Central Park West, Suite 2E
New York, New York 10024

being the address within the State theretofore designated for that purpose.

Dated: New York, New York
April 30, 2010



MAXWELL D. LEIGHTON

09 CV 5167 (SLT)(RLM)

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF NEW YORK	
MARIE ANNE THOMAS, et al.,	Plaintiffs,
- against -	
THE NEW YORK CITY DEPARTMENT OF EDUCATION, et al.,	Defendants.
DECLARATION OF MAXWELL D. LEIGHTON	
MICHAEL A. CARDOZO Corporation Counsel of the City of New York Attorney for Defendants 100 Church Street, Room 2-169 New York, N.Y. 10007-2601 Of Counsel: Maxwell D. Leighton Tel: (212) 788-0407 mleight@law.nyc.gov LawManager No. 2009-044637	
<i>Due and timely service is hereby admitted.</i> New York, N.Y., 2010 Attorney for	